

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

1. PAMELA SMITH, and)	
2. PAMELA SMITH FOUNDATION, INC.)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No: 13-CV-0676-CVE-TLW
1. AVALON CORRECTIONAL.)	
SERVICES, INC.,)	
2. TURLEY RESIDENTIAL CENTER,)	
L.L.C., and)	
3. ALICE JOHNSON)	
)	
Defendants.)	

AMENDED PETITION

Pamela Smith and the Pamela Smith Foundation, Inc., for their *Petition* against Avalon Correctional Services, Inc. and Alice Johnson, allege and state as follows:

PARTIES, JURISDICTION, AND VENUE

1. Pamela Smith (“PAM”) is the founder of the Pamela Smith Foundation, Inc., and the person responsible for initiating the My Turning Point Program. She works and lives in Tulsa County.

2. The Pamela Smith Foundation, Inc. (“the FOUNDATION”), is an Oklahoma not-for-profit corporation in Tulsa, Oklahoma.

3. Avalon Correctional Services, Inc., is a foreign, for-profit corporation doing business in Tulsa County. Specifically, Avalon owns and operates the Turley facility. Avalon boasts that it is “a leading developer and manager of private community correctional facilities and alternative correctional programming in the United States. Avalon currently manages clients in 10 facilities in 3 states, Oklahoma, Texas and Wyoming. The Company specializes in programs designed to

prepare clients for their return to society and programs designed as an alternative to incarceration for qualified individuals. Avalon provides clients with housing, treatment programs to help them control harmful habits, and employment resulting in money to help pay the cost of incarceration. Avalon offers individuals various alternatives to jail or prison programs. These services help clients to become productive citizens and better parents.”

4. The Turley Residential Center, L.L.C., is the purported “owner” of the Turley corrections facility. Avalon advertises Turley as “a 289-bed female halfway house located on 40 acres in Tulsa, Oklahoma. Avalon purchased the Turley property in 1997 and completely renovated it in 2002 to provide a quality homelike facility for female offenders. Turley provides a number of female specific programs onsite for job training programs ... Turley also provides a number of counseling programs specific to women and children, family unification, substance abuse, anger management ... Turley also offers a 30 day / 100 hour cognitive based transitional program that has been highly successful.”

5. Between the defendants Avalon and Turley, at least as relates to the instant action, there is such a unity of interest and ownership that the separate personalities of the two entities no longer exist. A failure to disregard their separate identities would result in fraud or injustice.

6. Alice Johnson (“JOHNSON”) is an employee of AVALON. She is the person in direct control of the Turley Residential Center. Though black, JOHNSON has shown a certain prejudice against other black women, specifically those black women who demonstrate self-respect and who are successful or who are attempting to achieve success.

7. Venue is proper in Tulsa County. Substantial portions of the events giving rise to the plaintiff’s causes of action as claimed herein occurred in Tulsa County. This Court has jurisdiction over the subject matter of this lawsuit and the two defendants named herein.

8. The plaintiffs have been generally damaged in an amount within the jurisdictional limits of the Court.

9. Though the factual background and causes of action are laid out separately, this *Petition* is intended to be read as a whole, each segment incorporating all others.

FACTUAL ALLEGATIONS

10. Pamela Smith, from her personal experience and from the publically available information, realized that there was a need to help incarcerated women. Many incarcerated women did not have the basic need such as housing, clothing, food, health care, job training, and job placement. Particularly when the women are released they often don't know where to turn for assistance and sometimes are forced back into the same environment they left before coming to prison which often leads them to reoffend and return to jail.

11. According to information from the Oklahoma Department of Corrections, Oklahoma's incarceration rates for women consistently lead the nation. In 2008, for example, 134 women for every 100,000 people in Oklahoma were in prison. Oklahoma's incarceration rate nearly doubles the national average.

12. PAM, herself a victim of abuse – by individuals in the system and subsequently by the system itself – decided to take action to change this doomed course and created the FOUNDATION

13. The mission of the Pamela Smith Foundation, Inc. is to advocate for and implement programs that are dedicated to making positive contributions to the lives of incarcerated women; promote economic advancement and self sufficiency of women; and build healthy, confident, secure and connected women, children, families and communities.

14. Drug addiction laying the foundation for many women becoming incarcerated. So, they come into the system with little or nothing and are lost. When they are released they still do not have the education and tools to manage the many barriers they will face. They do not have a place to live, they have no skills or work experience, they little or no job search experience, no identification or driver's license and no transportation to gain access to any resources available that can provide assistance in these areas.

15. For many years, PAM worked tirelessly to assist as many women as possible financing the services herself. She would take the women to get identification and birth certificates, show them how to use public transportation and buy bus passes, provide clothing donated from her friends and family.

16. The FOUNDATION seeks to provide much needed services to incarcerated women – while they are still in custody – so that they will be prepared for re-entry, including helping them establish a plan and providing continued follow-up assistance after release to minimize the likelihood the women will reoffend and return to prison.

17. The FOUNDATION formulated a curriculum and projects to help incarcerated women begin to understand that they have intrinsic value inside of them and to help them learn how to manage their fears and learn how to be independent, so that they don't fall back into the same societal traps that landed them in prison to begin with. It is called the "My Turning Point Program."

18. PAM made application and came to an agreement with the Oklahoma Department of Corrections to allow her to enter into correction facilities in Oklahoma for the purpose of presenting the My Turning Point Program.

19. The program includes the above mentioned curriculum and the provision of business clothing and other items of work-related dress to help the women feel self-confidence sufficient to be successful in the workplace.

20. The corrections facility at Turley has been the pilot location for the My Turning Point Program. The My Turning Point program operates at no cost to the State, the facility or to prisoners.

21. In the two years PAM has been conducting the My Turning Point Program, the participants have seen great success. To date, participants in the program have a 0% recidivism rate.

22. The FOUNDATION also provides a resale shop to fund programs to help incarcerated women. These programs provide the basic needs of incarcerated women and support the “My Turning Point Program” which provides successful reintegration of inmates into society.

23. Recently, JOHNSON banned PAM and the FOUNDATION, from returning to the corrections facility at Turley. She claimed it was for bringing bread and wigs into the facility. However, PAM had been bringing these same items into the facility as a part of the program throughout its existence.

24. JOHNSON has also prevented all women incarcerated in the Turley facility from accepting the clothing that the FOUNDATION has offered to them, purchasing anything from the resale shop, and from speaking to or in any way contacting PAM or anyone in the FOUNDATION.

25. Informal appeals – no formal appeals process exists – to the AVALON system have fallen on deaf ears and officials within the Oklahoma Department of Corrections have explained that their hands are tied due to the department’s contracts with AVALON.

26. In addition to endorsing her discriminatory actions, AVALON has failed to train and supervise JOHNSON and has failed to properly investigate her improper activities.

COUNT I: VIOLATION OF 42 U.S.C. § 1981

27. The defendants' actions were discriminatory as to the plaintiffs. The defendant unfairly treated and ultimately banned the plaintiffs, at least in part because of their race.

28. The defendants' actions as described herein interfered with the plaintiffs' rights in the making, performance, modification, and termination of contacts, and the enjoyment of all benefits, privileges, terms, and condition of their contractual relationships.

29. As a result of defendants' actions, the plaintiffs have suffered irreparable injuries, including but not limited to loss of pay, benefits and other economic losses, emotional pain and suffering, mental anguish, humiliation, embarrassment, personal indignity and other intangible injuries for all of which he should be compensated.

30. The defendants have engaged in intentional discrimination and have done so with malice or reckless indifference to the federally protected rights of the plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that this Court award:

A. Injunctive relief, in the form of restoring the plaintiffs' ability to enjoy the pursuit of their mission to help incarcerated women find their own worth, become successful and avoid further adverse interaction with law enforcement.

B. A judgment against the defendants for actual and punitive damages, if legally available and appropriate.

C. Judgment against the defendants for the costs of litigation, including a reasonable attorney's fee;

D. Any and all other relief as this Court deems appropriate according to equity, justice and the evidence presented.

Respectfully submitted,

/s/ Anthony L. Allen

Anthony L. Allen OBA# 19738

Mary McMillen OBA# 31149

ALLEN & WISNER

101 W. Broadway

Muskogee, Oklahoma 74401

918.683.5291

918.683.3397 fax

anthony@oklahomaslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2014, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel who have entered an appearance in this action.

/s/ Anthony L. Allen